

**ALL-TERRAIN and UTILITY TERRAIN VEHICLE ORDINANCE
ORDINANCE 09-2000**

AN ORDINANCE TO REGULATE THE OPERATION OF ALL TERRAIN (Herein known as ATV) AND/OR UTILITY VEHICLES (Herein known as UTV), TO DESIGNATE VEHICLE ROUTES AND TRAILS, AND TO PROVIDE PENALTIES FOR VIOLATION OF THE ORDINANCE ADOPTED.

The Town Board of the Town of Rusk, Rusk County, Wisconsin do ordain as follows:

Section I - Intent

To create ATV and UTV routes for the convenience of Town residents and Visitors to the Town of Rusk and to regulate ATV and UTV operation in accordance with Wisconsin Statutes and Administrative Code provisions.

Section II - Statutory Authority

The Town Board of the Rusk has specific authority, powers and duties pursuant to the statutory provisions noted in this ordinance under Sections 60.10 and 23.33 of the Wisconsin Statutes, to regulate, control, prevent and enforce certain uses, activities and operations by persons that may affect ATV and UTV use and traffic in the Town of Rusk, and has the power to designate ATV and UTV routes and trails by Section 23.33.

The provisions of this ordinance shall apply to all of the roadways in the Town of Rusk, Rusk County, within the jurisdiction of the Town Board.

Section III - State All-Terrain Vehicle and Utility Terrain Vehicle Laws Adopted

Except as specifically noted otherwise in this ordinance, Section 23.33, Wisconsin Statutes, describing and defining regulations with respect to ATVs and UTVs and ATV/UTV traffic for which the penalty is a forfeiture, including penalties to be imposed and procedures for prosecution, are hereby adopted and incorporated by reference by the Town of Rusk and made a part of the ordinance as if fully set forth herein. Any future amendments, modifications, revision, additions, or deletions of the above noted statutory chapter shall be incorporated herein and made a part of this ordinance in order to secure uniform State regulations of ATV/UTV use and traffic on public highways, roads, ATV/UTV routes, ATV/UTV trails, streets, and alleys of the State of Wisconsin.

Section IV - Applicability of Rules of the Road to All-Terrain Vehicles and Utility Terrain Vehicles

The operator of an ATV/UTV upon a roadway shall, in addition to the provisions of Section 23.33, Wisconsin Statutes, be subject to Sections 364.04, 346.06, 346.11, 346.14(I), 346.18 through 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), 346.94(1), and 346.94(9) of the Wisconsin Statutes.

Section V - Speed Restrictions

The Town of Rusk has specifically adopted the Wisconsin Statutes, including the provisions set forth at Section 23.33 (3)(i), which indicates

that no person may operate an ATV/UTV "in a manner which violates rules promulgated by the Department". The Town of Rusk specifically adopts Wisconsin Administrative Code Section NR64.07, as it may be amended from time to time, including the provisions of NR64.07(c) which provides that no person may operate an ATV/UTV "at a rate that is unreasonable or improper under the circumstances".

The Town Board further finds and determines that the ATV/UTV routes and trails as adopted in this ordinance are unsuitable for travel of ATV/UTVs at speeds in excess of 30 miles per hour. (*Amended 12/09*)

Section VI - Age Restrictions

While the Town Board recognizes that restrictions with respect to operator's age in Wisconsin Statutes may not be varied by Town ordinance, the Town of Rusk Town Board hereby determines and suggests to the public that Town ATV/UTV trails and ATV/UTV routes not be used by any individuals who do not hold a valid driver's license unless such person/s are accompanied by a parent or adult person.

Section VII - All-Terrain Vehicle And Utility Terrain Vehicle Routes

All Town Roadways, subject to the jurisdiction of the Town of Rusk are designated as ATV/UTV routes and are open to use when signed in accordance with Section 23.33, Wisconsin Statutes and NR64.12. (*Amended 07/12*)

Section VII - Enforcement

The provisions of this ordinance shall be enforced by the Rusk County Sheriff's Department and such other officers as may be authorized by law.

Section VIII - Penalties

Wisconsin State All-Terrain and/or Utility Terrain Vehicle penalties as found in S.23.33(13)(a)Wis. Statutes are adopted by reference.

The State of Wisconsin Bond Schedule for the statutory counterparts are adopted herein, as it may be amended from time to time, is adopted as the Deposit Schedule for violations of this ordinance.

Section XIX - Filings

The ordinance and revisions thereof shall be filed with the Department of Natural Resources in the office of the law enforcement agency of this Township having jurisdiction over the streets and highways in accordance with Section 22.23, Wisconsin Statutes.

Section X - Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and application of such provisions to other persons or circumstances shall not be affected.